

Remarks

The Applicant has hereinabove provided amendments to claims 1-19, cancelled claim 20 without prejudice, and added new claims 21-25.

These amendments include amendments to independent claims 1, 11, 16 and 21 to generally feature a damping assembly that is attached to the recited body portion after determination of a torsional vibration mode of the body portion. Support for this language is found including in FIGS. 7-9 and in the specification at page 5, lines 8-12; page 6, lines 4-5; page 7, lines 3-5; and page 8, lines 18-20. Additional claim amendments have been provided to better conform the language of the dependent claims to the respective independent claims.

These amendments do not add new matter, better set forth the subject matter regarded as the invention by the Applicant pursuant to 35 U.S.C. §112, second paragraph, remove limitations deemed unnecessary for patentability, and serve to place the application in proper condition for examination and allowance.

Restriction/Election Requirement

Restriction was required between one of the following two inventions:

Invention I: Claims 1-15, drawing to an actuator apparatus, classified in class 360, subclass 97.02; and

Invention II: Claims 16-20, drawn to a method for measuring vibration of an actuator assembly, classified in class 369, subclass 44.14.

The Applicant hereby provisionally elects with traverse Invention I, with at least claims 1-15 and new claims 21-25 readable thereon.

The Examiner viewed the original language of claims 1-20 as providing distinct subcombinations. While this is respectfully traversed, the Applicant notes that in view of the above amendments to the claims, it is clear that the respective groups of claims are not properly restrictable. That is, in both sets of claims, the torsional vibration mode is determined prior to attachment of the damping assembly to the body portion.

The Applicant therefore respectfully requests reconsideration and withdrawal of the restriction/election requirement, and examination of all pending claims 1-19 and 21-25.

In addition, newly added independent claim 21 is a product by process claim that properly links the respective subject matter of apparatus claims 1-15 with that of method claims 16-19. See MPEP 809.03.

Thus, if the restriction/election requirement is sustained and non-elected claims 16-19 are withdrawn, the Examiner is required to examine claims 21-25 with the elected group and, upon allowance of claim 21, the Examiner will be required to examine claims 16-19 as well. See MPEP 809.03 (including form paragraph 8.12 thereof).

Supplemental Information Disclosure Statement (IDS)

A supplemental IDS is being filed herewith. The Applicant believes that the claims as presented above define subject matter that is patentably distinct over the art of record including the references submitted in this supplemental IDS.

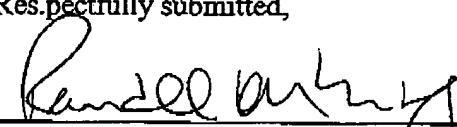
Conclusion

This is intended to be a complete response to the Restriction/Election Requirement mailed September 28, 2005. The Applicant respectfully requests examination and allowance of all of the claims pending in the application.

The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

By:


Randall K. McCarthy, Registration No. 39,297
Mitchell K. McCarthy, Registration No. 38,794
Fellers, Snider, Blankenship, Bailey and Tippens
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659
Customer No. 33900